



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

April 9, 2021

**BY ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Virgil Griffith*, 20 Cr. 15 (PKC)**

Dear Judge Castel:

The parties jointly submit this letter to update the Court regarding the potential trial dates in this matter. The Government recently recognized that the proposed trial date of Tuesday, September 7, 2021 falls during the Rosh Hashanah holiday, which continues through the evening of Wednesday, September 8, 2021. The holiday of Yom Kippur commences on Wednesday evening the following week, September 15, 2021, through Thursday, September 16, 2021. These holidays present conflicts for counsel and may impact the availability of members of the prospective venire.

In light of these facts, the parties request that the Court seek a trial date of September 13, 2021, in lieu of the defendant's prior request to commence trial on September 7, 2021. The parties also request that the Court set aside the late afternoon of September 15, 2021 through September 16, 2021, to permit observance of the Yom Kippur holiday. The defendant consents to this proposed change in the potential trial date to be sought by the Court.

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As previously noted in the parties' joint December 30, 2020 letter regarding scheduling, defense counsel originally requested the date of September 7, 2020 because Mr. Buckley has a federal criminal trial in Chicago, *United States v. Gregg Smith*, 19 Cr. 669 (EEC) (N.D. Ill.), currently scheduled to commence on October 18, 2021, which the Department of Justice has estimated will last approximately five weeks, effectively rendering Mr. Buckley unavailable for trial in this matter in October and November.<sup>1</sup> For this reason, the defense wishes to accommodate the Jewish holidays while retaining a trial date in the first half of September. The defendant would desire to go to trial in September regardless of the holidays, if they could not be accommodated under the proposed schedule outlined above.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: /s/  
Kimberly J. Ravener  
Kyle A. Wirshba  
Assistant United States Attorneys  
(212) 637-2358 / 2493

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<sup>1</sup> The *Smith* trial was adjourned from April 4, 2021 to October 18, 2021 by Judge Chang on October 23, 2020 due to the pandemic.